



Northern Ireland
Assembly

COMMITTEE FOR
SOCIAL DEVELOPMENT

OFFICIAL REPORT
(Hansard)

**Licensing and Registration of Clubs
(Amendment) Bill**

9 November 2010

NORTHERN IRELAND ASSEMBLY

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SOCIAL DEVELOPMENT**

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Members present for all or part of the proceedings:

Mr Simon Hamilton (Chairperson)
Mr Sydney Anderson
Mrs Mary Bradley
Mr Mickey Brady
Mr Jonathan Craig
Mr Alex Easton
Ms Anna Lo
Mr John McCallister
Mr Fra McCann

Witnesses:

Mr Tom Bowler) Department for Social Development

The Chairperson (Mr Hamilton):

With us today is Tom Bowler from the Department's social policy unit, who will advise and guide us. You are very welcome.

I advise members that the English and Welsh police guidance on disorder and the closure of premises is in your tabled items. The Committee Clerk will run us through that.

The Committee Clerk:

The England and Wales guidance covers actual disorder, as in our Bill, as well as imminent disorder and noise issues. It is guidance to the police on how to apply closure orders that relate to such issues. The guidance indicates that police closure powers are designed to act as a deterrent. My reading is that they are applied to licensed premises and non-licensed premises that provide other forms of entertainment.

I will take members briefly through some of the key points of the guidance. Paragraph 11.10 states that, where intelligence that disorder may occur is available, the police should not rely on instant closure orders and should apply to the courts for a closure in advance. An example of a football match is given. Paragraphs 11.4 to 11.6 state that the police are required to take into account the prompt and competent actions of a premises owner to prevent or limit disorder before applying a closure order. Police must also consider the commercial impact of a closure before they do it. Paragraphs 11.17 to 11.23 set out that the police are advised to provide early warnings and seek voluntary co-operation with premises owners in respect of closures.

Paragraph 11.24 states that a causal link must be made between actual disorder in the vicinity of a premises and the premises in question and how a closure order can be made only if it is in the interests of public safety. Paragraph 11.29 states that customers who remain on a premises after a closure order but do not drink are not breaking the law. There is also a reference to phased emptying of licensed premises. If a bar in which there was disorder is very full, the guidance indicates, as the PSNI said, that putting all those people onto the street may create a different kind of disorder.

Paragraphs 11.43 to 11.47 refer to noise nuisance. The guidance defines noise nuisance as noise emanating from a premises that disturbs the public. There was some debate among members about how exactly the police will determine that. My understanding of the guidance is that the determination is based on complaints from the public rather than a measurement of decibels or whatever. The guidance also recommends interaction between the police and a local authority, as it will have experience of such matters.

The Chairperson:

Thank you for that. Tom, am I correct that you indicated that the English and Welsh guidance will guide our guidance, so to speak, and that it will be used almost as a starting point?

Mr Tom Bowler (Department for Social Development):

Yes, Chairperson. We based our provisions originally on the England and Wales model, and we will base our guidance on that as well. In the main, our provisions are exactly the same as those in England and Wales, bar those relating to imminent disorder and noise. We have not yet agreed the guidance with the Department of Justice, but I am pretty confident that the guidance will be largely the same as what the Committee Clerk read out.

Mr F McCann:

To go back to last week's debate about noise emanating from premises: there seems to be some confusion. Are we talking about taking the power to close premises under those circumstances away from councils and placing it solely in the hands of the police or —

The Chairperson:

There is currently nothing in the Bill that deals with noise nuisance.

Mr F McCann:

You spoke about noise emanating from premises.

The Chairperson:

There was a discussion last week when a witness suggested that the Bill should be amended to take noise nuisance into account. However, as it stands, there is nothing in the Bill that would allow the police to close premises on the basis of noise nuisance; Tom can correct me if I am wrong about that.

Mr Bowler:

That is right.

The Chairperson:

There is a debating point about whether we should amend that, and that is what someone suggested we do. There was not huge support for that during last week's discussion.

Ms Lo:

It was in the original proposal, but it was taken out.

What has been the experience in other jurisdictions on the issue of imminent disorder and noise nuisance? How often have the police sought to use their power of closure?

Mr Bowler:

In Northern Ireland?

Ms Lo:

In other jurisdictions in the UK.

Mr Bowler:

I do not know.

The Department of Justice has the power to close licensed premises because of noise. That power was used once several years ago. Apart from that one instance, which was five or seven years ago, closure orders because of noise have not been used.

Ms Lo:

Was that in Northern Ireland?

Mr Bowler:

Yes, it was.

Ms Lo:

So, is there already a piece of legislation to cover the closure of premises because of noise?

Mr Bowler:

Yes, there is. That will be repealed if the issue of closure orders are approved to be included in the Bill.

Up until last year, the Secretary of State had the power to close licensed premises in the interests of public safety. The Minister of Justice now has that power. In effect, that means that the police have to approach the Department of Justice, and previously the NIO, which has to draw up an order that the Minister of Justice that he would sign. However, that could rely only on police intelligence about anticipated disorder. If there was any actual disorder happening at the moment, getting the Minister of Justice to sign a closure order might take a day or two, by which time the disorder could have ended. So, we are seeking to introduce some emergency powers that enable the police to react quicker.

Ms Lo:

So, with noise levels, would the police have to approach the Minister of Justice in advance with intelligence?

Mr Bowler:

No; there are not any provisions on noise disorder in the legislation at the moment. The only power to combat noise disorder lies with district councils. We were planning to give the police an emergency power to close premises because of noise disorder. That would not interfere with district councils' power; it would simply be an emergency power that could be used in a very unusual event. That is what the police want. They do not intend to use it very often, but that is what they want.

Mr F McCann:

Is it part of the Bill?

Mr Bowler:

No, we have taken it out.

Ms Lo:

It was part of the proposals?

Mr Bowler:

Yes, it was.

Mrs M Bradley:

Having been a councillor for a number of years, I know that noise nuisance on licensed premises has always been dealt with by councils. Councils send out inspectors to find out how the noise is getting out. Reasons would include a lack of soundproofing, open windows or open doors. Will the emergency power mean that councils retain their power? How can we be assured about that if it is not in the Bill?

The Chairperson:

You can be assured, because it is a different piece of legislation altogether. The power that you mentioned still resides with local councils. This Bill cannot change that, because it is an entirely separate piece of legislation.

Mr Bowler:

The Bill will not affect councils' power. I am talking about an emergency power.

Mrs M Bradley:

So, it will definitely not interfere with the powers of councils.

The Chairperson:

The Department has confirmed that it will not inhibit councils in any way. The councils will retain their power.

Mr F McCann:

The confusion has arisen because we had a debate on that last week and this morning we are referring to the law in England that deals with noise nuisance.

The Chairperson:

I appreciate that. We are somewhat obliged to discuss any amendments that are proposed by those who give us evidence. We have discussed the proposed amendment on noise nuisance. The Committee Clerk has taken us through the guidance in England and Wales. There is a different regime there, and police have the power to close premises because of noise nuisance.

Mrs M Bradley:

The renewal of entertainments licences go through councils, so they need the power.

The Chairperson:

We will get to that when we start to go through the clauses, but I detect that members generally seem to be quite content with the current noise nuisance regime. However, I will not pre-empt that.

If the Northern Ireland guidance for police on closure powers is to be issued by the Department of Justice, will it be scrutinised by the Committee for Justice? Will the Minister for Social Development give an assurance about that? It is important that there is that check. The view has been expressed to the Committee and in debates in the Chamber that there is a need for that guidance to be clear for the police. Can we have the assurance that, at Consideration Stage, our counterparts on the Committee for Justice will have the ability to scrutinise that guidance?

Mr Bowler:

Yes, Chairperson. I spoke to the Department of Justice this morning, and its officials agreed that the guidance will, obviously, be issued by them to the police, and that it will go to the Justice Committee. At that point, the Justice Committee will seek comments from the Social Development Committee. That was agreed this morning with Department of Justice officials.

The Chairperson:

Excellent. If members are content that their concerns have been addressed, we will move on.

There was a debate on a number of issues at last week's informal review. I will summarise the Committee's position on the main areas of the Bill. The Committee does not support a change to

the fines and enforcement structure relating to closures in order to bring Northern Ireland into line with the rest of the UK. Nor does it support an extension of police closure powers to include imminent disorder or noise.

The Committee accepts that Department of Justice guidance will set out how the police link licensed premises with disorder occurring in the vicinity of those premises. The Committee agrees that district council and community consultation should be written into the guidance given to police by the Department of Justice.

The Committee does not wish to explore changes to the definition of when premises are open to include the provision of entertainment so as to change the licensing environment for so-called nightclubs. The Committee generally takes the view that the curtailment of excesses associated with nightclubs is better addressed through existing legislation and possibly the proposed introduction of legislation on irresponsible drinks promotions. Finally, the Committee accepts the Department's assurance that guidance to the police will also refer to that issue.

I think that that is a fair summary of what we debated. Although we did not agree anything last week, that is where we were heading. Everybody will have the opportunity to set out any concerns that they may still have, and, indeed, propose amendments.

The Committee Clerk:

Just to be clear: I think you are asking members whether they are 100% content that they do not want to propose to amend clause 1, which deals with closure orders for licensed premises, or whether they still have some niggling concerns.

The Chairperson:

OK. We will move through all clauses.

Mr F McCann:

I am trying to get my head around what has been said. If we agree clause 1 as it stands, we are agreeing that a police officer of the rank of inspector or above could close premises. We disagree with that.

The Committee Clerk:

To clarify then: some members would be —

Mr F McCann:

We believe that the present system of going through the courts is the best way to proceed with the closure of premises.

The Chairperson:

OK. Fra has expressed a concern. The point that you raised is not about the rank of the officer but, effectively, the whole clause. Is that correct?

Mr F McCann:

It is the fact that it can be left to an individual to decide. There are better ways of dealing with that issue, which could be through mediation. It should be left to the courts to decide about the closure of clubs.

The Chairperson:

Effectively, you have an issue with the entire clause.

Mr F McCann:

Yes.

The Chairperson:

Is that the general view?

Mr Brady:

It takes away the subjectivity that exists when it goes through the courts. When an individual has that power, it can become subjective rather than objective. That is one of the difficulties. I agree with Fra. The courts are perceived to be impartial, and I use the word “perceived” advisedly.

The Chairperson:

Is there agreement with that position? I suspect that there is not.

Ms Lo:

I still have to consult with my party on the issue of closure. I have not done that. My constituents in South Belfast would want a much stronger clause on imminent noise levels. I think that they would support more police power, not only on disorder.

The Chairperson:

That is OK, and, to be fair, you have been consistent in outlining that.

Mr Craig:

I take on board the reassurances that Tom gave that the guidance in the rest of the United Kingdom on that sort of intervention will apply to this legislation.

The Chairperson:

More or less.

Mr Craig:

Given that reassurance, I am quite content to leave that part of the Bill untouched. Situations will arise, and, if the police do not have the power to intervene immediately in the interests of public safety, whether we like it or not, there will be a huge problem. There have been times when such problems have arisen. I agree on the grounds that the guidance for the rest of the UK will be followed. The powers will not be needed every week but for a major one-off event when things, unfortunately, get out of hand.

We and the Department would always be able to redress the situation if it were seen to be being abused. I would far rather it were left in there, but, as with everything else, it could be reviewed after a period to find out how often it was happening, what the basis for it happening was and whether the guidance that we are saying will be put in is adhered to. It is similar to a lot of legislation in that we will have to see how it works in practice before we can make a real judgement on how effective it is or is not. There is no guarantee that any of us will be sitting here

in a year's time, but, in a period of time, we might look back at the legislation and wonder what we were worried about because it was maybe only ever used on one occasion.

Mr F McCann:

That might well be the case, but, in some areas, that has not been the case up to now where there has been huge disorder over the police trying to close places where late drinking might be taking place. That has ended up in a free-for-all in the middle of the road. I know that Tom knows the premises that I was talking about the previous time, but that is not the only premises where that has happened. If a bit of common sense had been used and the owner of the premises had been contacted, everything could have been dealt with in a much easier way, rather than having 15 policemen in riot gear forcing their way into a bar. That is the experience of some places, and I am concerned about that. In the past, people have gone down the avenue of using the courts to challenge licenses and to force closures, and that is the best place for that.

Mr Craig:

I understand the concerns that have been raised, but I have an obvious question for Tom. If such a situation were to arise under the new legislation and you could clearly point out that the police were not following the guidance that is applied in the rest of the United Kingdom, would you have any redress to knock on the door of the police and say that they had got it wrong?

Mr Bowler:

Yes, I would have thought so. If every decision by the police to close premises has to be heard by a court as soon as possible, and if the police did not follow the guidance that we will have in Northern Ireland, I imagine that the court would point that out. We always had the belief that, if the police do not follow the guidance, they would very quickly learn to, because the courts will overturn any closure orders.

Mr Craig:

That may enhance the redress for such situations and stop them happening in future, because there will be clear guidance for the police, which they should be following. My guess is that, at the minute, there is no guidance or real direction. In a roundabout fashion, you are giving the

courts more redress when, let us face it, the police get it wrong. They are human, and they do get it wrong.

Mrs M Bradley:

It is only a 24-hour closure. They cannot keep premises closed any longer until the matter goes to court. Is that right, Tom?

Mr Bowler:

That is right. It is a maximum of 24 hours.

Mrs M Bradley:

How often will that even happen? Some bar owners would want to close the premises voluntarily if it was a bad enough situation. Maybe we could not really interfere with that.

The Chairperson:

The GB guidance talks about the need for consultation and balance anyway.

Ms Lo:

The emergency power would strengthen the hand of the police, even to go in and talk to the owner of the premises to about closing voluntarily, saying, "If you do not close voluntarily, we are going to close the premises through this emergency order." In many ways, it probably helps with that co-operation. The police would probably err on the side of caution, rather than go in heavy-handed. Some people in south Belfast are very keen to see that enforced.

Mr F McCann:

What happens in south Belfast is a far throw from what happens in parts of west Belfast.

Ms Lo:

Yes, I understand. Residents would like to see more police action on the ground on the likes of St Patrick's Day.

The Chairperson:

I understand the concerns and opposition, but I think that the majority position on the Committee, although I am prepared to stand corrected, is one of support, notwithstanding your reservation or position on its use, Anna. I accept the concerns that were raised, but a majority is in favour of the clause. Is that a fair summary?

Mr F McCann:

Can we take a vote on that?

The Chairperson:

Yes. We do not need to do so now, but we will do it at a later stage. It is helpful to iron out positions, because if we start clause-by-clause scrutiny and concerns are raised, we cannot do anything at that stage.

The Committee Clerk:

Exactly. If the Committee agreed to a clause, and then members decided that they had a concern about a particular issue, the Committee may have to go back and amend the clause that was already agreed. We would then be into rescinding Committee decisions, and that is very messy. Again, I really appreciate members' forbearance.

The Chairperson:

It is best to do it this way. It seems a bit tedious, but it is quite positive.

Mr F McCann:

There was a comment in the summary table about the definition of disorder. That was also raised about the English and Welsh legislation. However, there is no clear definition of what is meant by disorder or imminent disorder.

The Committee Clerk:

The reference, which may have come from you, Chairperson, was that it was about a linkage between disorder and particular premises. There is reference in the guidance that the police must be able to show a causal link between disorder in the vicinity of a premises and the premises in

question. I may stand corrected, but the members' fears on that were assuaged when they heard the guidance.

The Chairperson:

You are right: I did raise that. That is where I have some sympathy for the argument that you are putting forward. I can foresee a set of circumstances in which, because there was "disorder" as you and I and the man in the street would understand it to mean, a police officer could seek to close a premises that had nothing to do with the disorder. That is why the guidance from England and Wales, of which we will almost be making a carbon copy, states that there needs to be a causal link. My concern about that is assuaged because, in practice, we have all heard of accusations being thrown at establishments that they have a problem when the problems have not necessarily come from it or have come from a collection of establishments in an area.

Clause 2 deals with penalty points for licensed premises. The Committee seemed generally to be content with the penalty points system for licensed premises. I am summarising the views that were expressed last week. The Committee believes that the courts have sufficient discretion in the application of points and that licensees have sufficient opportunity to defend themselves and demonstrate due diligence on, for example, underage sales. The Committee believes that the shelf life for penalty points of three years will impress on licensees the significance of underage sales and is an inappropriate means of tackling this important issue. Does anyone want to say anything to the contrary?

Mr F McCann:

The question of off-sales was also raised.

The Committee Clerk:

Was that raised in reference to exempting off-sales from the penalty points system?

Mr F McCann:

It seemed that off-sales were exempt.

The Chairperson:

They are not. On-sales and off-sales are included. I see the merit of the clause. I have previously raised concerns on the ability to enforce and asked whether the existing regime is being enforced sufficiently before another layer is introduced. Last week, I used the example of underage sales and you helpfully outlined, Tom, how an establishment or premises could defend itself against them. If it were doing everything that it ought to be doing, that could constitute a sufficient defence. Underage sales is probably the most popular example of where that might happen. I will jump forward because clause 6 is exactly the same. Is it worth raising that now or shall I do so at the relevant point in the Bill?

The Committee Clerk:

On how the penalty points will apply to registered clubs? By all means, mention it now if it is pertinent.

The Chairperson:

That might save a bit of time. Clubs have raised concerns that they think that the penalty points that are proposed are too high for them and that they are off-putting for people who might get involved in volunteering in clubs. Notwithstanding the argument that clubs should act in a certain way anyway and that the Bill proposes exactly the sort of establishment that they should be running, what sort of defence can they make? For example, some of it relates to paperwork. Is there a defence that they could likely put forward that might help them when they go to court?

Mr Bowler:

Yes, there is. Currently, and this will continue, there is the defence of due diligence for every single existing accounting offence that is prosecuted against a club or an official. The Bill will not affect that. Although the use of volunteers should not be an excuse to get things wrong, a club that had good, solid accountancy procedures in place and that had not previously come before the police could use that defence in the case of some aberration from a volunteer. In any case, that is unlikely to come from a volunteer but will almost certainly come from a committee member. If a volunteer were to carry out some lower-level accountancy such as emptying a fruit machine and something were to go wrong, the club could prove due diligence, and the defence would be fairly strong.

The Chairperson:

I have sympathy for the argument that an accumulation of two offences over three years could have a fairly catastrophic effect, not just on the licence but on the club. I am not saying that those offences are somehow right. Given the nature of licensed clubs — they are not bars or nightclubs, and they are not professional businesses in that sense — there is an increased likelihood that there will be oversight from time to time. The purpose of the penalty points clauses is to attack gross offences and to weed out extremely bad practice, not to attack people for honest mistakes or oversights.

Tom, you are effectively saying that, where there are oversights or genuine reasons for things not being done, a reasonable defence could be put forward. Therefore, the spectre of accumulating two five-point penalties is not as large as it might appear in the Bill.

Mr Bowler:

There is now an additional safeguard. Accounting offences would have attracted the highest fine — a level 5 fine — and five or six penalty points. The Bill downgrades most of those offences to a level 3 fine, which means three or four penalty points. Therefore, if a volunteer or somebody else were genuinely convicted and penalty points were endorsed, he or she would receive three or four instead of five or six. That may be cold comfort for clubs, but it could make a big difference.

The Chairperson:

I am not saying that people should be able to get away with things, but there should be proportionality and an understanding of the fact that those people are not running a business and that clubs are entirely different to pubs or nightclubs.

Mr Bowler:

There have been almost no prosecutions for accounting offences in the past 10 years.

Mr F McCann:

The clause-by-clause summary table states that article 40 breaches should carry reduced penalty

points that will be abolished after one year. Is that what you were talking about? Or, will the period be longer?

Mr Bowler:

After one year?

Mr F McCann:

It states:

“5 accounts-related offences in one year would be acceptable.”

Mr Bowler:

That was a proposal by the clubs. It is not in the Bill.

Mr F McCann:

I want to pick up on the issue that the Chairperson raised. It is a fact of life that the personnel of many club committees changes every year. It takes people a while to settle in. Everyone is human, so there will be some difficulties and blunders. Therefore, clubs could be penalised for operating a completely democratic process. That is a bit unfair and would make people think twice before allowing their names to go forward for positions. That would hinder the progress of clubs.

Mrs M Bradley:

Are you suggesting that clubs change their entire committee personnel every year? They do not; there may be only one or two people who step down. Are you saying that penalty points should be dropped when club committee personnel changes or am I picking you up wrong?

Mr F McCann:

It is different if the same people are on the committee, because people learn from their mistakes. However, if there are changes in the people who look after the accountancy or secretarial positions in clubs, and some of those positions are fiercely fought over, there could be implications. Not that I have ever run for one of those positions.

The point that I am making is that possible annual changes in the personnel of committees could have an impact, because someone coming in fresh could make the same mistake that someone made the year before. As a result, the club could be unfairly punished because of the changing nature of the people and their positions.

Mr Bowler:

Until now, the police had routinely been checking clubs' accounts every year. However, the police have asked for that policy to be dropped. According to the Bill, in future, the police will only ask a club for its accounts when it has reason to. The police will not check accounts routinely.

As I said before, there have been very few prosecutions, if any, in the past 10 years. Allied to that, we are downgrading many of the more serious accounting offences to a much lower grade. If a club is unlucky enough to be prosecuted and receive penalty points, with a bit of luck, that can happen three times before it suffers.

Mr F McCann:

Do you accept that clubs are unique, in that they elect their committees every year?

Mrs M Bradley:

But not all positions.

Mr Bowler:

It is difficult to legislate for that, other than to ease off on clubs and cut them a little more slack, which may be what you are suggesting. However, I do not think that the Minister would want to be seen to be treating clubs any differently from pubs.

Mr F McCann:

Clubs operate under a completely different system.

Mr Bowler:

The lack of prosecutions makes it appear not to be a huge problem at the moment.

Mr S Anderson:

Those who are elected to office in a club are expected to be responsible people, and I am sure that they all are. They have to accept what has gone before and what will come after. Is the three-year period for the penalty points system a rolling three-year period or is it counted back? For example, if a premises got three points in year one, four points in year two and three points in year three, are they all wiped out or do you count back three years from the last penalty points? I would like clarification on how the system will work.

Mr Bowler:

It is counted back. If the latest offence —

Mr S Anderson:

Is it counted back three years?

Mr Bowler:

Yes, so the first and second offences may be out of date by then.

Mr S Anderson:

It does not state that here, but that is the way in which it is to operate.

Mr Bowler:

It is.

Mr S Anderson:

Thank you.

The Chairperson:

Are there any other points that members want to raise about penalty points for licensed premises?

Ms Lo:

How many points will the highest level of offence — a level 5 offence — attract?

Mr Bowler:

Five or six.

Ms Lo:

What kind of offences are level 5 offences? Underage drinking, and so on?

Mr Bowler:

Level 5 offences are the most serious offences. Underage drinking is probably the one that we consider most. Another level 5 offence is opening after hours and selling alcohol beyond closing time.

Ms Lo:

Those offences carry five or six penalty points. If the premises offends twice in three years —

Mr Bowler:

The owners of the premises will have an opportunity to defend themselves if it is a one-off offence that was committed by inexperienced staff. They will have a defence of due diligence in most serious offences. Therefore, prosecution will not necessarily mean conviction.

Ms Lo:

Am I correct to say that level 3 offences do not necessarily attract penalty points and that only a fine need be imposed?

Mr Bowler:

Yes. The fine for a first level 3 offence, which a less serious offence, is up to £1,000.

Ms Lo:

Such offences do not necessarily attract penalty points.

Mr Bowler:

A court does not have to endorse penalty points for a first offence. It might, but it has the

discretion not to do so. However, it must endorse penalty points if the place commits the same offence again within three years.

Ms Lo:

There is quite a lot of leeway and flexibility already.

Mr Bowler:

Level 3 offences have nothing to do with underage drinking or after-hours drinking. Many of them are more technical offences, and, as such, they are not regarded as quite as serious.

The Chairperson:

You are right, and that is part of what I was getting at. As Fra pointed out, we do not want an entirely different type of operation to be treated disproportionately. However, there does seem to be enough discretion for the courts and enough defence for clubs.

Is it the Committee's view that we are generally supportive of clauses 2 and 6 and do not wish to amend them in any way?

Mr F McCann:

As long as we are allowed to come back to it.

The Chairperson:

Yes, there are issues that can always be raised again. Nothing that we are saying now is closing down anything. I want to make that clear.

The Committee Clerk:

Before we launch into clause-by-clause scrutiny, it would be helpful to know that the majority of Committee members are content not to amend clauses 2 and 6, even though a minority of members may have very strong views on the subject and may table amendments at Consideration Stage. I think that that is the position.

The Chairperson:

I think that that is probably a fair reflection of the situation. It is down to the powers of persuasion that Fra may have. Everybody is free to raise any issue.

Clause 3 concerns proof of age for licensed premises. The Committee expressed the view that it is generally content with the proof of age standards scheme (PASS) for licensed premises. The Committee does not wish to impose Challenge 25 as a statutory scheme or apply new entry controls for all licensed premises, nor does it wish to outlaw specifically the use of expired passports as meeting the due diligence requirements, as it accepts the Department's assertion that the licensed trade does not generally accept that form of identification.

Is that a fair summary of our view on that clause? Tom, do you want to say anything on the issue of expired passports?

Mr Bowler:

I do not think so. We raised that issue a couple of years ago when drafting the legislation. I think that the police said at the time that we should talk about valid passports and define further the proof-of-age cards. However, our legal advice was that we did not need to do that. Where the legislation states "a passport", it means a valid passport, which, in turn, should mean a current passport, not an expired one. On that basis, we are satisfied that the provision is fine.

The Committee Clerk:

Perhaps the Department will keep me right, but it appears to be indicating that the provision means that should someone underage get into licensed premises and get a drink using an expired passport, the bar could not use that as a due diligence offence. The bar would be in trouble if it accepted an expired passport with the corner cut off. I think that that is what the Department is saying.

Mr Bowler:

Yes, you are right.

The Chairperson:

That is fair enough.

Mr Brady:

Does the legislation not have to specify that it has to be a valid passport?

Mr Bowler:

That is what we were saying. Our legal advice was that “passport” means “valid passport”.

Mr Brady:

It does not mean that in common usage. A passport is a document. It can be valid or invalid, or expired or current. If you are going to insist that it has to be a valid passport, however, that has to be stated. Somebody could go in with a passport that was cancelled and renewed, but it is still a passport to all intents and purposes.

Mr Bowler:

We said last week that we are happy to put that in the guidance, and to stress that point.

Mr Brady:

That would make more sense.

The Chairperson:

However, that does need to be in the Bill.

Ms Lo:

Tom, will you remind me again what a PASS card is?

Mr Bowler:

It is a hologram card with a picture of the card holder, which is said to be pretty much forgery-proof.

Ms Lo:

How do people get one?

Mr Bowler:

A number of different bodies will, for a price, issue you with a PASS card. I think that it originated from the British Retail Consortium, but I think that people can apply to other bodies for one. It is regarded as forgery-proof, but it has to be bought. Unlike the electoral card, it is not free.

Ms Lo:

How much does it cost?

Mr Bowler:

I am sorry, but I cannot remember.

Ms Lo:

I just do not understand why a student card cannot be accepted. I think that you said last time that the student card is excluded from the scheme.

Mr Bowler:

I am not sure about around Queen's, but the licensed trade will not accept student cards, because they are so easy to forge. I know that there is a photograph on them, but that is the view taken in the trade.

Ms Lo:

A lot of shops accept student cards.

The Chairperson:

Students are not using them to buy drink, however.

Mr Bowler:

It is the alcohol element.

The Chairperson:

It is all right to get a newspaper for 10p using one.

Ms Lo:

No, you can get a discount on £100 or £200 dresses.

The Chairperson:

Do not give any names. We are not allowed to advertise.

Ms Lo:

All that students need to do in many shops is produce a student card to qualify for a 10% discount.

The Chairperson:

Not in Winemark, though.

Mr Brady:

Does it have to be a valid student card? I have one that dates back 35 years. *[Laughter.]*

Mrs M Bradley:

Aye right, Mickey.

The Chairperson:

He looks no older. He still has the long hair.

Ms Lo:

Student cards are also valid for concessions at the theatre or the cinema.

The Chairperson:

The Department's point is that the student card is an easily forgeable document. I am trying not to be unfair, but it is well known, almost since time began, that student cards are more susceptible

to forgery.

Mr McCallister:

That is especially the case now, given the printers that people have at home.

The Chairperson:

It was different 20 years ago. People can make student cards at home now.

Mr McCallister:

Unfortunately, they are now easier to forge. Not that I would be forging them. *[Laughter.]*

The Chairperson:

You could sell them for a good price, though, I am sure.

Mr McCallister:

At 38, I do not often get asked for ID.

The Chairperson:

Not with your hair going that colour.

Ms Lo:

Even on mainland Europe, I have produced my student card and got 10% discounts at museums and other places.

The Chairperson:

Yes, but you did not get a discount at the bar. There is a difference between getting a discount on a dress and getting a discount on drink.

Mr F McCann:

Was that your student card or your party membership card? *[Laughter.]*

The Chairperson:

The point was made about valid and invalid passports. The Bill obviously intends that passports must be valid. There was nothing like that in place before, so it needs to be in guidance, and it will be. Is everyone happy with that position?

Members indicated assent.

The Chairperson:

The Committee is generally content with the penalty points system for registered clubs, as well as for other licensed premises. Last week, we stated our belief that the courts have sufficient discretion in the application of points even for so-called trivial or bookkeeping transgressions and that licensees have sufficient opportunity to defend themselves and demonstrate due diligence in respect of underage sales, for example. The Committee believes that the Bill's shelf life for penalty points will impress on clubs the significance of underage sales and is an appropriate means of tackling the important issue.

The Committee also does not support any of the other proposed amendments that would, for example, limit the police's ability to call to inspect a club's accounts when a breach of the law is suspected. I went off on one earlier and talked about penalty points for clubs, but is there anything else that members want to on clause 6?

The Committee Clerk:

To be absolutely clear, are members content? Things are going really well, and we might start clause-by-clause scrutiny imminently.

The Chairperson:

The excitement is building.

The Committee Clerk:

Will members be able to agree the clause as it stands?

Members indicated assent.

The Chairperson:

We left out clause 5, which deals with the closure of registered clubs. Last week, the Committee said that it was content that the new police closure powers should be applied to registered clubs. However, the Committee notes the police's evidence, which suggests that clubs are generally less likely to be the source of disorder. As with licensed premises closure provisions, the Committee is content that a requirement to consult with councils, and community groups where appropriate, will be included in the guidance to the police on closures.

Mr F McCann:

We had reservations about that also.

The Chairperson:

It is effectively a carbon copy of clause 1.

Mr F McCann:

We raised that during last week's meeting.

The Chairperson:

Are you saying that your concerns also apply to the closure of licensed premises? Members have disappeared, so the majority is no longer quite so big. However, am I right to presume that it remains the case that the contrary view of the majority of the Committee is that it is supportive of the inclusion of the power? It is a similar position to that in clause 1.

Members indicated assent.

The Chairperson:

Clause 7 deals with proof of age for access to registered clubs. As with proof of age standards schemes for other licensed premises, the Committee said that it was generally content with the proof of age standards scheme that is applied to registered clubs. The Committee does not support an extension to the time periods during which children are to be allowed in a club's licensed premises. Is that a fair summary of the views of the majority of Committee members?

Members indicated assent.

The Chairperson:

Clause 8 deals with the accounts of registered clubs. The Committee said that it was generally content with the clause and agreed that the Bill will appropriately reduce the regulatory burden for smaller clubs. Are members happy enough?

Members indicated assent.

The Chairperson:

Clause 9 deals with authorisations for special occasions. The Committee noted with concern evidence from the clubs that late licensing restrictions were not being adhered to by some clubs. There was some suggestion that the restrictions on advertising and the use of club premises by non-members were also not being adhered to. The Committee is to seek assurances from the Minister at the Consideration Stage about the enforcement of those restrictions.

Although there was some debate about the number of late-night licences and the increase from 52 to 120, nothing was ever said about an exact number. The Committee does not support any other changes to clubs' opening hours. There has been lengthy debate and discussion on those issues, and we need to start pinning down our rough views.

Mr Brady:

Clubs tend to be well run. They apply for licences but do not always use them. The rationale in the legislation seems to be that the police will be able intervene if the licences are not being used properly. Fifty two late licences is a relatively small number.

I have talked to people from the clubs, and all that they are looking for is a level playing field, which they are not getting. Regardless of whether the increase in the number of licences is from 52 to 156 or whatever, most clubs do not use them all. However, having them gives them the opportunity to open late if they need to.

All the presentations that we have received have been from bona fide clubs with long-standing memberships and long-standing reputations, and most of them are involved in the community. It seems that they are being penalised and are competing with pubs, which, in some cases, are not particularly well run.

Mr Craig:

We are back to the argument about what is fair. That is where everything becomes unstuck. We also had the hoteliers and the pub owners in explaining to us how there is not a level-playing field, because they cannot depend on volunteers to do the work for them. Those are the businesses that are paying the heavy taxes and the heavy rates. You are right that there is not a level playing field. Increasing the number of licences to 120 will not make it a level playing field for the clubs either. As they pointed out, they want an awful lot more late licences.

My huge concern is about the message that is being sent out to the public. Everything in the Bill is geared towards making all the institutions more responsible. It contains controls to deal with premises that get out of control. That is happening on the one hand, yet on the other hand the clubs are asking, willy-nilly, for a 150% increase in late-night openings.

We asked the PSNI whether that would cause a resource issue. The answer was a clear yes, because they will be left to enforce it all. I am not content with the 120 days. I made a suggestion, and I will make it a proposal, that a more reasonable increase would be to 75 days. That is a 50% increase for clubs, and is an awful lot better than nothing.

Mr Brady:

There is a counter argument. In my experience, and we can be parochial about this to a certain degree, clubs are extremely well run for the most part. There is no messing. In fairness, I cannot say that about a lot of pubs in the area where I live. There are employment issues, and I agree with what was said about that. However, given the choice, I would keep clubs open before some of the hellholes, for want of a better word, around Newry.

I mentioned before that, in some places, it is like the 'Thriller' video at 1.00 am. Even taxis will not go into the streets. That has absolutely nothing to do with clubs but pubs. In fact, some

of the other pubs beside those ones close early on a Saturday night when they could be making money. Again, employment is threatened, because people are not getting a full week's work.

It comes down to places being well-run and run responsibly. The majority of representatives of clubs said in their presentations that they would not use the 365-day provision. However, they should have some choice, rather than being given an arbitrary figure. When I was growing up, pubs closed at 10.00 pm and were closed on Sundays. That has changed, and pubs have been given a lot more leeway than clubs. It is a matter of people being responsible for what they are doing.

Mrs M Bradley:

Whether we stick to 52 days or move to 120 days, club owners will still be under the same rules as anyone else. I did not think that the police were concerned about the extra nights that were being given to the clubs, because they said that there was no problem with the clubs. We should give it a chance and go for the increase. They will not use them all anyway, and any club owners will tell you that they probably would not apply for more than half a dozen extra nights to use the club for different functions. Clubs are more family orientated, and I would not have a problem with giving them the 120 nights. Jonathan, what did you suggest? Sorry, I did not pick up on the number.

Mr Craig:

Seventy-five days, which is a 50% increase.

Ms Lo:

I have a dilemma. Being a liberal, I would like to be easy-going, but my gut is telling me that that is too big a jump. I would support, at most, doubling the number to two nights a week: Fridays and Saturdays. That would be quite liberal enough.

The Chairperson:

This is the clause that we concentrated on most, but other issues are quite wide-ranging. We are debating an arbitrary number. At least we understand why it is 52 days. The figures that are being discussed — 120 and 75 — are arbitrary, as is three. Those are just numbers that are

plucked out, and there is no particular right answer.

Mary is right: we put this to the police, and they did not say that they thought there was trouble with clubs. However, their argument is that more premises opening longer creates more potential for issues and could, therefore, stretch their resources.

Ms Lo:

They will open on the nights that cities and towns are busiest: Fridays and Saturdays.

The Chairperson:

The evidence that has been presented to us does not suggest that there is a huge demand. I understand Mickey's point that, if you just let everyone go, those that have the demand will increase the amount of time that they are open. I was troubled by the evidence that we got that said clubs will probably go over 52 anyway but perhaps not 120. If the limit is increased to 120, 150 or higher, clubs will go to that level and further. That will pose societal problems and policing problems.

Mr Brady:

With respect, sometimes we can become fixated on the number. The biggest problem that we have in our constituencies is antisocial behaviour, and, in my experience, it is mostly due to underage drinking and drinking in the streets. It has nothing to do with clubs or pubs. It is due to people congregating in public areas. In a lot of cases, part of the difficulty is the non-enforcement of laws regarding drinking in public places, which, as far as I am aware, is under the remit of councils.

I take the point about clubs having more opportunities to open, but it is worth making the point that the Minister has not made a decision. If any clubs abuse the later opening regulations, the PSNI have the right to refuse further applications. It will not happen in every area but, if the police feel that their resources are being stretched in particular areas, they have the power to stop it.

The Chairperson:

We talked about clubs and how well they are run almost as though everyone involved in running a club or drinking in one is an angel, but there are issues associated with clubs. If opening hours are trebled, the issues that exist will also be multiplied by three. If there is to be a level playing field, we have to go to 365. However, there is not meant to be a level playing field. Pubs and clubs are two entirely different entities that do completely different things. The only thing that they have in common is the sale of alcohol and the fact that people go there for a night out.

Mr Brady:

I absolutely agree that they are two separate entities. I know of very few clubs that are specifically drinking clubs, but pubs are somewhere where people go to drink. Unfortunately, the pub culture, and that form of socialising, is disappearing rapidly. In my experience, clubs are sports clubs, including snooker clubs, darts clubs or whatever. Other activities take place in clubs. Unlike pubs, they are not places where people go purely to drink. It may be stretching it a bit, but clubs can be a community resource.

The Chairperson:

I would probably be more relaxed about increasing the number if I did not think that some clubs would not go further again in respect of the number of nights that they open and what they do. As I said, I was troubled by the evidence that we were given. This is where the point about the level playing field and the two different entities comes in. Clubs are not meant to pitch for certain types of business, but we all know that they do. If clubs are able to open on more nights — Fridays, Saturdays and perhaps Sundays — they will start to encroach on the business of pubs and hotels.

I saw an advert last week in which a sports club was touting for Christmas business from the general public. That is not meant to happen; clubs are not supposed to pitch their business to the general public. Do you know what sports club that was? It was the Northern Ireland Civil Service sports club down the road. It is pitching for business by offering Christmas dinners to all and sundry and every one of us here. I think that we are allowed to go in anyway.

Mr Brady:

As an ex-civil servant, I might just go.

The Chairperson:

That is what is happening under the current regime. There are other issues about enforcement.

Mr Brady:

I was at the opening of Castle Buildings, because I was doing a course. A bar was opened in Castle Buildings, but it lasted only about three months, because the staff could not be got back up the stairs once they had been to it.

Mrs M Bradley:

Clubs have licences to open every night of the week.

The Chairperson:

They do.

Mrs M Bradley:

So, they do not need to pitch.

The Chairperson:

No. In effect, they are not opening for all that time.

Mr F McCann:

I want to go back to the difference between pubs and clubs. Only for pubs and clubs feeling severe strain from the economic situation, we would not even be arguing about late licences. Until I heard some of the stuff that came up last week, I thought that, by and large, pubs and clubs coexisted quite happily. The hotel representatives were particularly scathing about clubs. However, as Mickey said last week, most of the nightclubs where many of the problems exist are located within hotel premises.

Mr Brady:

Many of them serve drink after hours to non-residents.

Mr F McCann:

That is right. We have to try to get a happy medium that allows people to coexist without anyone being penalised, because it is a difficult time.

Although it was raised when we were talking about drinks promotions, a point that has been lost is that over 70% of alcohol that is sold is sold by supermarkets and large shopping centres. Therefore, there is a small percentage of trade to compete for.

When we discuss legislation such as this, we need to take into consideration the changing nature of entertainment. Many young people go out at a different time of night and enjoy that. A lot of their entertainment is not centred in around clubs but around hotels and pubs. If you go into any town centre or Belfast city centre, there are places that are open until 3.00 am, 4.00 am and 5.00 am. Those are not private members' clubs open at that time.

We need to take that into consideration, because many of us around the table are 30-plus. We are a fair age. I am trying to be kind to everybody around the table. When we look at legislation, we have to consider the impact that it will have on those who are much younger than us, because the vast majority of young people who use premises go out just to have a good time. We need to ensure that some of the decisions that we make and some of the legislation that we pass does not seriously curtail their way of life, because the way that they do things is completely different to the way that we do them.

Earlier, Chairperson, you suggested that there is nearly a presumption that clubs that get late licences will change overnight and could become places of trouble. The facts of life and the record according to the PSNI and to most of us who know the history of clubs show that that is not the case.

As I said before, some GAA clubs that may have five, six, seven and maybe 12 teams. It costs two fortunes to run those teams. If opening a couple of extra nights a week for members brings in

the money, which allows such clubs to survive, so be it.

The Chairperson:

Your first point is correct: we are discussing an imperfect position. We are the referee and know that there are a lot of vested interests at play and that there are things that are happening that should not happen but will continue to regardless of what happens with the Bill. We are being asked to come to a definitive conclusion on a situation that is far from perfect now and will be far from perfect in the future. Our position is very difficult in that respect.

Mr S Anderson:

There has to be clear daylight between clubs and pubs for specific reasons. Clubs are for families, and that was well said, but they are not businesses. Pubs are businesses.

Many pubs are finding it very difficult to stay in business. If we increase the number of nights for clubs too much, are we saying that clubs become the replacement for the pubs? There is no doubt that, in the present economic downturn, and even before that, pubs are going to the wall.

Another issue is that licences are a big percentage of the cost for those who bought pubs. People may have taken out a big loan from a bank and, if those pubs go to the wall, those people may be left with a licence that they do not know what to do with. We need to be careful not to go down that road.

My colleague Jonathan suggested an extension to 75. If all the available days or nights are not being used, 75 would be a fair reflection at this stage. We have to protect and be seen to protect the businesses that are pubs. The representatives of pubs said that they would be happy to move in the direction of 75 days and to work with clubs. That was movement by them. There has to be that difference and clear daylight between the two.

Mr Brady:

I agree with some of what was said. The biggest threat to pubs and the closure of pubs is not clubs but Sainsbury's, Tesco and Asda. The representatives of pubs said that, 10 years ago, 78% of alcohol consumed in the North was consumed in pubs. That is down to 23%, and that is not

because of clubs. I keep saying it: Sainsbury's in Newry sells more drink in the run-up to Christmas than any Sainsbury's store in Britain. In Newry, it works out at approximately £1 million worth of drink every weekend, and not just for people from the South.

Mrs M Bradley:

That is because of special offers.

The Chairperson:

That is the biggest threat, but it does not mean that clubs are not a threat or that giving clubs more late licences a week would not make them a threat.

Mr S Anderson:

No one can dispute that that is part of the problem. However, as the Chairperson rightly says, if we allow more late nights for clubs, it will naturally take trade from the pubs. The difference is that pubs are businesses and clubs are not. That is what we have to define. We have to try to protect businesses.

Ms Lo:

A lot of the arguments are valid, and we are trying to balance it out. I challenge Fra's comment that people join clubs because of sport. A lot of people join sports or private members' clubs because they know that the drink and food is cheaper. Increasingly, people are also having weddings or thirtieth and fortieth birthday parties in clubs rather than pubs or hotels. I also share the concerns about the viability of some of our pubs. Having to make a judgement puts us in a difficult position.

Mr Brady:

Many garages have closed along the border simply because no action was taken to equalise. They were businesses, and some employed a lot of people. We can all put forward valid arguments. Anna made the point about clubs being cheaper and people wanting to have birthday parties in them because of that. That is a matter of choice and could happen regardless of whether there are 52 or 360 late nights.

Mr S Anderson:

If we allow too many late nights for clubs, we will end up with a situation in which clubs are replacing pubs.

Mrs M Bradley:

There are a couple of arguments against that. Pubs are businesses and are privately run, but the clubs are run by volunteers who do not want to be working every night of the week anyway. A lot of issues need to be taken into consideration.

Mr Craig:

I have listened with interest to all the arguments. Both sides have lobbied just about every member of the Committee on the issue.

If we allow a 150% increase in late night openings, it will have an impact on the trade — it is not right to call it “the legitimate trade” — of the pubs and the hoteliers who have massive overheads compared with any of the clubs. There is no getting away from that. They have the wage bills to settle, the taxes and rates to pay, and they have to put the massive amounts of money up front to build their premises.

I know that the idea behind a club is to help and support whatever sporting fraternity or other fraternity for that matter. We heard about the Civil Service club, and there might not be much sport going on there. There was also the infamous Welders Club, which I remember from my time in Shorts. There are all sorts of clubs.

I can see the driver for the clubs: they want to increase their business. The difficulty that I have with that is that the entertainment market is spiralling downwards. As Fra rightly pointed out, the big winners are, unfortunately, the supermarkets, because they are offloading huge amounts of cheap alcohol on everybody. It is much easy to buy it, take it home and forget about everything. With increased competition in a decreasing market, it would be irresponsible of us to allow a two-and-a-half times increase in late night openings for clubs. That would skew the market.

Unfortunately, there is not a level playing field, and there is no getting away from that. That is why I propose a more sensible 50% increase. I have sympathy for the argument from clubs, but I also have to be realistic and ask how it will impact on the business world, which is the other side of the equation. We have to strike a balance, which is what I am trying to do.

Mrs M Bradley:

We do not have to make decisions today.

The Chairperson:

I am keen to get the run-through done. It will probably be too late to start clause-by-clause scrutiny after that, so we will come back fresh next Tuesday to do that.

Mrs M Bradley:

I was supposed to be in another meeting at 3.00 pm.

The Chairperson:

If you want to go, that is grand; you are not deserting your post. You will not be harangued later by representatives of clubs and pubs for not having voted.

Mrs M Bradley:

As I told you before, the pubs and the clubs do not get anything from me, because I do not drink.

Mr F McCann:

Anna said that people go to clubs to get cheap drink and food. In many areas across the North, the GAA is the heart and soul of the community. It runs a number of different sports, which costs two fortunes. That is what the GAA social clubs are run for. They do not operate to serve cheap alcohol and cheap food. In fact, many of them do not even serve food. Many soccer clubs do the same. Their teams may not survive but for the fact that they have a drinking element. In many areas, it is such a cut-throat business that pubs try to tap into the membership of clubs.

Sydney mentioned the Harland and Wolff Welders club, which is 50 or 60 years old, maybe older than most pubs. The Foresters its 175th anniversary and the Hibs on the Falls is probably

over 100 years old. Most of those clubs are far older than the pubs we are talking about. Many of them have hundreds of members on their books who socialise in clubs and pubs. Clubs do not complain because their members go into pubs to drink.

Mr S Anderson:

That is my argument: those clubs have been established for years have flourished through opening the number of nights that they do now.

Mr F McCann:

They are going down the tubes. The challenge to clubs and pubs comes from people buying their drink at supermarkets. That is the problem, not whether they drink in a pub or a club.

Mr S Anderson:

We agree, then, that those clubs have flourished with the restricted number of nights that they have had.

Mr F McCann:

If you went into many clubs and had a yarn with their committees, they would tell you that many are facing closure because of the changing nature of the way people drink alcohol.

Mr Craig:

We must not lose sight of what is important for a club. Whatever organisations clubs exist to support, they are not the be-all and end-all of those organisations. Someone does not join a club because they want a drink. They join because they are a member of the GAA or they support the football, cricket, or hockey team. Support for a club is the main reason.

Frankly, the idea of spending 120 late nights out in a club is not something that people will want to do. They will continue to support that sporting organisation or whatever organisation, should its club be open 50 late nights a year or 120 nights. Will someone spend any more money on that organisation because there are more late nights? I doubt it very much. We are talking about clubs trying to organise themselves into businesses, which is getting onto very dangerous ground when there is not a level playing field for all the organisations that the legislation will

affect.

Mr F McCann:

It is probably just a question of survival.

The Chairperson:

Although we may have a counter proposal, we are not a lot further on in the argument. We suffer as a Committee from being in the imperfect position of not having a terrible lot of hard and fast data or information to go on. Although we have the figures that we were told that we could not get about current usage, which mysteriously appeared, as the Minister himself said in the debate when he was asked for the information, it does not in itself tell us anything. It tells us roughly what current demand is, but is not conclusive. It is then certainly not conclusive when a representative of a registered club says that it is being flouted anyway.

Mr F McCann:

The Civil Service is leading the charge.

The Chairperson:

The Civil Service is in the vanguard of breaching those things. That is where we will have our Committee Christmas dinner. *[Laughter.]*

A Member:

Subsidised. *[Laughter.]*

The Chairperson:

We might as well get it while we can. *[Laughter.]*

Maybe I am a bit old fashioned, but I like to have a wee bit more hard data to go on. We are effectively being asked to make a judgement call. That does not mean that anybody is right or wrong; it is a judgement call.

Based on who has spoken and the parties of which they are members, is it fair to surmise that

there may be a slight majority who are in favour of having fewer than 120 late licenses and may support Jonathan's proposed amendment of 75 but that there is also a large and significant minority who want at least 120? Tom, if the Committee were to pursue the matter along those lines and support 75, for example, would the Department draft an amendment to that effect?

Mr Bowler:

If the Minister agrees with that, we will draft it. Mr Attwood has stated in a couple of recent letters that he awaits the Committee's report with interest.

The Chairperson:

OK; that is fair enough. I will move on to the other suggested amendments. The Committee agreed that it will make limited comment on the proposed restrictions on irresponsible drinks promotions; it would be irresponsible to make too much comment on irresponsible drinks promotions. The Committee agreed that it is content, at this stage, to not pursue amendments, at this stage anyway, relating to minimum alcohol pricing, alcohol disorder zones and other public drinking controls, as those are expected to form part of possible other legislation. The Committee is content to not support various other changes to the Registration of Clubs (Northern Ireland) Order 1996. There was a whole slew of stuff. Although the Committee notes with interest the conversation about the use of community alcohol partnerships, it is content to not pursue amendments in that regard. Am I correct that it was said last week that that is not required in the legislation?

The Committee Clerk:

That is correct. In GB, those have not been operated as statutory partnerships.

The Chairperson:

Are there any other amendments that the Committee wants to discuss?

Mr F McCann:

I take it that you, as the Chairperson of the Committee, will put forward an opinion about drinks promotions.

The Chairperson:

Is it right to presume that the Committee's view is one of general support for the Minister's direction of travel but that, as we have yet to see any detail, it is hard to come to a hard and fast opinion? We support the principle, and we can talk individually about our examples, fears, concerns, worries and issues.

The Committee Clerk:

The Department's consultation will conclude on 6 December. I expect the Department to brief the Committee before Consideration Stage. The Committee can take an overall view when it has received feedback from stakeholders.

Mr Brady:

Just to be on the safe side, in the meantime, we will keep an eye on 'The Irish News'.

Mr F McCann:

A cynic to the end.

The Chairperson:

We should come to a hard and fast position at some stage, but there is no way in which we can do so for our report.

It may seem like déjà vu all over again after last week. However, today's meeting has been helpful to distil where we are on some of the key issues. That will hopefully allow us to skip through a significant portion of the clause-by-clause scrutiny next week and hone in on those areas in which there is some divergence of opinion. Indeed, even where there is divergence, the Committee's overall view is quite clear. Are members content to pursue the matter along those lines?

Members indicated assent.